

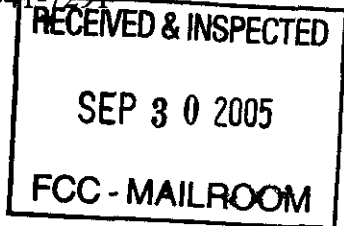


Ossining Union Free School District

190 Croton Avenue, Ossining, New York 10562

Tel: (914) 941-7700 Fax: (914) 941-7291

www.ossiningufsd.org



Linda Carpenter

Executive Director of Finance and Operations

Via Fax 202-418-0187 and Via FedEx

September 28, 2005

Federal Communications Commission
Office of the Secretary
9300 East Hampton Drive
Capitol Heights, MD 20743

DOCKET FILE COPY ORIGINAL

Docket No. 02-6
Request for Review

SLD Case #21-209216

Form: 470

Funding Year: 2005-06

Billed Entity Name: Ossining Union Free School District

Billed Entity Number: 123668

Dear Members of the FCC:

This letter is an appeal in regard to our many attempts to complete the filing of the Funding Year 2005-06 Form 470. Please find enclosed a chronology of events that detail our extensive efforts to file this form.

Briefly, the form was mailed in January 2005 in advance of the filing deadline of January 20, 2005. On February 8, after noticing that the pink confirmation form had not been received, we called the SLD, and they claim not to have received it. They said they would search for it. We provided the SLD a copy of the return receipt. We also re-sent the Form 470 via mail; we also faxed it to the SLD.

Over the next several months we called the SLD many times to ask for the status of the acceptance of the Form 470. They said they were continuing to search for it. We sent them proof of receipt. They questioned a portion of the return receipt where part of the year on their incoming date stamp is not visible (the return receipt was sent back to us with a small tear in it). Please see the attached copy of the return receipt.

In August, we were told that a supervisor would call me to discuss the situation. In the absence of a return call, we called again in September and spoke with the supervisor, Laura Taylor. She suggested an "avenue of appeal" we could use. This was our way of finding out that a declination of our 470 had apparently been decided. Ms. Taylor was surprised that we hadn't been told of this determination. She suggested we go online to the SLD website and appeal.

Noted for online appeal
Linda Carpenter

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We went online and tried to appeal. The appeal document required an SLD decision date. No date had been given to us. We called the SLD back to determine what that date was, and spoke again to Ms. Taylor. She said, "No decision was actually made. There isn't a decision date to give you." No decision date has been documented by the SLD.

Ms. Taylor then directed us to go online and fill out the Form 470 again. (We tried to.) We found that the Form 470 for 2005-06 was no longer available and therefore could not comply with Ms. Taylor's directive.

We are sure you can understand our frustration at this long, involved process. We feel we did what was required of us to get this form filed in the required manner. We filed our Form 470 on time. We have proof of receipt and sent copies of that. We mailed and faxed additional copies of the Form 470. We have pursued the acceptance of our Form 470 by the SLD since January. It is now September.

We have gone to extraordinary measures to ensure that the SLD has gotten what it requested so that it could accept this form, but this has not happened. We have not received anything in writing of a decision in this case, and the inaction means that our Form 470 has not been accepted; therefore, we cannot participate in the E-Rate program for 2005-06.

We write now in the interest of expediency. We are still very interested in having the Form 470 accepted for 2005-06. As we did file the document on time and have made extensive, repeated efforts to get this situation resolved. We ask that the filing deadline be waived and the Form 470 accepted so that we may complete the filing process for the 2005-06 funding year.

As documentation, please find attached:

1. The chronology of events related to filing the Form 470
2. A copy of the return receipt
3. Letter to the SLD dated February 18, 2005

Kindly review this case and provide us with your decision as promptly as possible. Thank you for your time and attention to this matter.

Sincerely,



Linda Carpenter
Executive Director of Finance and Operations

Phone: 914-941-7700 x338
Fax: 914-941-7291
E-mail: lcarpenter@ossining.k12.ny.us

LC/vm
Attachments

Ossining Union Free School District
Entity #123668
SLD Case # 21-209216

RECEIVED & INSPECTED
SEP 30 2005
FCC - MAILROOM

Issue: Attempts to file the 2005 – 2005 Form 470

Chronology of Events

Date	Action
January 11, 2005	Form 470 mailed, Return Receipt
January 12, 2005	Form 470 package stamped received from SLD on Return Receipt
January 20, 2005	Due date for Form 470
February 8, 2005	I noticed we had not received the pink Receipt Notification Letter, whereas last year we received it quickly. I called SLD (1-888-203-8100) and spoke with Amy Fishburn. She could not find our form online. We both checked the SLD website and neither of us could find the Form 470. Amy said she has the Form 470 for 04-05, but not 05-06. She requested that I fax the first page of the application and a copy of the return receipt to her attention. Sent immediately (1-888-276-8736). Amy said she will give it to the Technical Client Service Bureau and they will call back either today or tomorrow. It was given Case #21-209216.
February 10, 2005	No one has called me back from SLD. I left a message at 11:25 for Amy to call back. At 1:10 p.m., I called again and left a message with Esree McCutcheon who would ask Amy to call back. At 4:15 p.m. I called again and spoke to Kay; she connected me to the Technical Client Service Bureau. I was then connected to Cathy Carley; Amy had passed the file to her. They did receive the fax. Cathy is checking the system for the form. If she cannot find it she will pass it on to others who will help look for it. Cathy said she would call back. At 5:00 p.m., Cathy called back. She did not find the 470. She has asked others for help and will continue to search for it; she will call back, hopefully Friday. She said as long as we have the documentation (the return receipt) the 470 will be included for disbursement dollars. She also said that if we don't hear from anyone interested in bidding on the 470, we can call service providers and ask them for a bid.
February 11, 2005	I called at 1:00 p.m. Spoke to Joe, who transferred me to Cathy. She could not find the 470; gave the case to her manager. She will send it to the department. Cathy does not want to me to fax the entire Form 470. I again requested direction on what happens with the 471 if the 470 wasn't received or posted. I asked if the 470 is not on the website, then how do service providers see the application and follow the 28-day window for the 471? Some of the information on the 471 is reliant on the 470. I expressed concern that the 471 window closes on February 18.
February 17, 2005	I called 3:50 p.m. Spoke to Cathy Carley. She said she had given the case to her boss but hadn't called back. Told her again I was concerned the if the 470 wasn't

	online that it would affect the 471, especially since the deadline is tomorrow evening. She asked me to fax the entire 470, which I did (888-276-8736) to her attention. Cathy said she would call tomorrow with an answer.
February 18, 2005	<p>Called at 4:05 p.m. and asked Lacey to have Cathy call me back. He said he would give her the message directly. I told him to tell her I would be sitting here waiting for her call. Waited til 6:30 p.m. No call.</p> <p>Wrote letter with a summary and expressing my concerns to Cathy Carley. Faxed her the Form 471 w/o Block 5, #12 and #17. She said the decision had not come back yet from the other department. I told her I would mail the Form 471 – incomplete but signed tomorrow morning, return receipt.</p> <p>I did try to go and submit the Form 471 online. After 45 minutes, I got to Block 5, #12 and it would not let me go any further. It did give me id for the document:</p> <p>471 Application #486474 Entity 123668 Security Code 77880</p>
March 17, 2005	Received call from Cathy from SLD ... says they are still researching our situation – case 21-209216 ... says they received the FedEx ... Says to try to do the 470 online for 2005... -- I tried that, no luck already – ask her what she means by this. Called at 1pm
April 1, 2005	Got a message from Cathy Carley that they are still researching the case; no status change yet; please call her.
April 12, 2005	Called Cathy Carley 3:15 pm. Spoke with Daniel; left message for Cathy to call me back this afternoon. My questions: When can I finish the 471? (It's predicated on the 470). What is the next application deadline for me?
April 13, 2005	3pm Called again; disconnected. Called again 3:10 p.m. On hold til 3:25. Cathy picked up. Asked her the status of the 470 – was a decision made? She checked her records and said she had given it to her manager on 3/17 and hadn't heard anything further. Said it is still in process. I asked her to remind her boss that we are waiting for a decision. She said she would e-mail her to see if a decision was made. I told her to call me if there was one. If not, I would be calling her again.
June 17, 2005	<p>Called Cathy again. Recording says ““471 window now closed”. Spoke with Cathy Carley – trying to get her boss – she did e-mail her and got no response. I'm on hold – Cathy's probably explaining situation to her boss. Cathy came back to say her boss Laura Taylor will call back on Monday with next steps.</p> <p>Problem with return receipt – they have no record of it and return receipt does not have numbers to track</p>
July 14, 2005	Received fax from Cathy Carley; “I still have not received the tracking number from the return receipt you sent in for us to do a search. See the information you

	sent us (included), the tracking number and the year are missing. We want to continue the search but cannot without that information.”
July 25, 2005	Faxed a copy of the return receipt to show information under “2. Article Number” (only bars show)
July 18, 2005	Took the green receipt card to the post office to see if they could track it via the bars on the front of the card. The post office explained that the bars on front only show location card is from. <i>They also could not read orange bars on back.</i>
July 25, 2005	Called Cathy Carley. Told her about going to the post office on July 18 and what they said. She asked me to send a copy of the card which shows the orange vertical stripes; I copied the card carefully to show detail and faxed it.
July 27, 2005	2:40 p.m. Called Cathy Carley to confirm receipt of fax with stripes. Not available – left message for her to call back: Did she get the fax? What are the next steps?
August 3, 2005	Gave Linda Carpenter the set of events as detailed above. Returned it to me on 8/9; she asked me to call George Brady for suggestions.
August 9, 2005	Called George Brady 592-4203 x 293 – Regional Coordinator for E rate - and told him we had a problem with the 470 and would like a return call.
August 10, 2005	No return call yet. Called again.
August 16, 2005	George Brady called back; said he could not do much and to call back SLD and ask for Cathy’s supervisor and ask for decision.
August 19, 2005	Called SLD; Cathy at lunch. Name of supervisor is Laura Taylor. She will call Linda back and discuss situation.
August 19, 2005	No calls back.
September 2, 2005	Called again and asked for Laura Taylor (Cathy Carley’s boss) Asked her what is final decision on 470 for 2005-06: She said she thought Cathy had told us “our avenue is to appeal”. Apparently since they have no record of delivery, they consider it not delivered, Laura said to appeal, we must go onto website and go to reference area – get the appeals document, which says what to include, where to send, how to send. If it is approved, then it will be processed and we wait the regular amount of time (28 days) for it to be posted to the website – contracts and agreements as normal – then we file the 471, then the 486. I told her we had called 8/19 and we were expecting her to call back to discuss our next steps; we did not know there was a decision.. She said she knew we had called in but thought Cathy was taking care of it and did not know to call back.
September 6, 2005	Followed Laura Taylor’s instruction and went to USAC website; found and printed

	out appeals procedure.
September 14, 2005	<p>Read and tried to follow directions for filing an appeal. There are two ways to do appeals: to the SLD or to the FCC. The instructions say that the appeal must be <u>postmarked</u> no later than 60 days after the date of the SLD decision.</p> <p>As I was not given a decision date on the 470, I called again and spoke with Laura Taylor of SLD. She said, "There isn't a date to give you." <i>No decision date had been documented by them.</i></p> <p>I told her that I had read the information explaining the appeal procedure, and it looked like we would have to file an appeal with the FCC as the SLC does not have the authority to waive a deadline. She responded, "I don't know if you would want to do a Waiver Request anyway."</p> <p>She recommended filing the 470 online. Print out the signature page and certify it then mail it in. The 470 would then be posted to the website and from that point would be the 28 days to allow vendors access. Once I file the 470 I would wait to receive notification (the letter that says they received the form and it is posted to the website for 28 days). Once I get that letter, write a letter of appeal (to SLC?? I think) detailing steps taken and including documentation (like a copy of the letter sent to Cathy Carley) – explain that I tried to mail it etc.</p> <p>Once form is sent online, I should be able to go to website and go into the search posted area with the application number or the entity number and find the form.</p>
September 15, 2005	Attempted to go online and fill out form; ran out of time to finish – did not complete – question on Funding Year.
September 16, 2005	Went back online to finish filling out 470. Got to second question: "Select Funding Year". Needed 05-06. Only option is 2006-07!!

~~PS Form 3811~~ Form 470 CERTFN

CRATE YEAR 8

1-11-05

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

2005-06
SLD FORM 470
40 MS SMITH
3833 GREENWAY DRIVE
LAURENCE, KS 66046

2. Article Number (Copy from service label)

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) B. Date of Delivery

PEARSON GO. T SOLUTIONS

C. Signature

X

MAIL AGENT

☐ Agent
☐ Addressee

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below ☒ No

3. Service Type

☒ Certified Mail ☐ Express Mail
☐ Registered ☒ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes



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www.ossiningufsd.org

RECEIVED & INSPECTED

SEP 30 2005

FCC - MAILROOM

LINDA CARPENTER

Executive Director of Finance and Operations

February 18, 2005

Ms. Kathy Carley
Schools & Libraries Universal Service
Fax: 888-276-8736

RE: Entity 123668
Case #21-209216

Dear Ms. Carley:

As you know, there has been some difficulty with the filing of the Form 470 for the Ossining Union Free School District. I have provided a summary, below, of what has occurred thus far with this form.

January 11

Form 470 mailed, Return Receipt

January 12

Form 470 package stamped received on Return Receipt

January 20

Due date for Form 470

February 8

I noticed we had not received the pink Receipt Notification Letter, whereas last year we received it quickly. I called SLD (1-888-203-8100) and spoke with Amy Fishburn. She could not find our form online. We both checked the SLD website and neither of us could find the Form 470. Amy said she has the Form 470 for 04-05, but not 05-06. She requested that I fax the first page of the application and a copy of the return receipt to her attention. Sent immediately (1-888-276-8736). Amy said she will give it to the Technical Client Service Bureau and they will call back either today or tomorrow. It was given Case #21-209216.

February 10

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--At 1:10 p.m., I called again and left a message with Esree McCutcheon who would ask Amy to call back.

-- At 4:15 p.m. I called again and spoke to Kay; she connected me to the Technical Client Service Bureau. I was then connected to Kathy Carley; Amy had passed the file to her. They did receive the fax. Kathy is checking the system for the form. If she cannot find it she will pass it on to others who will help look for it. Kathy said she would call back.

--At 5:00 p.m., Kathy called back. She did not find the 470. She has asked others for help and will continue to search for it; she will call back, hopefully Friday. She said as long as we have the documentation (the

return receipt) the 470 will be included for disbursement dollars. She also said that if we don't hear from anyone interested in bidding on the 470, we can call service providers and ask them for a bid.

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February 17

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February 18, 2005

Called at 4:05 p.m. and asked Lacey to have Kathy call me back. He said he would give her the message directly. I told him to tell her I would be sitting here waiting for her call.

Kathy, it's now 6:30 p.m., and I haven't received a return call.

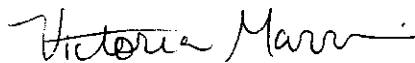
I still need to hear from you on the SLD's decision on our Form 470. I have waited to hear from the SLD in regard to their decision on our Form 470; I have waited right up to the deadline of the Form 471.

In good faith I am faxing the entire Form 471 so that it will meet the deadline; I will also try to enter it online, but I am concerned that it will not be accepted because I cannot fill in two areas that are dependent upon information from the SLD on the 470: Block 5, #12 and Block 5, #17.

I will mail the entire original set of the Form 471 tomorrow morning, return receipt. You will then have received our 471 online, in the mail, and by fax.

Please call me at 914-941-7700, extension 338. Thank you, Kathy, for your time, your help, and your patience.

Sincerely,



Victoria Marrin
Secretary to Linda Carpenter,
Executive Director of Finance and Operations